

FORM EXEMPT UNDER 44 U.S.C. 3612

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
20-CA-129034Date Filed
5/16/2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer McDonald's (Pocket McDonald)		b. Tel. No. (916)389-1011
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 8940 Pocket Rd, Sacramento CA 95831	e. Employer Representative	g. e-Mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) fast food restaurant	j. Identify principal product or service fast food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Within six (6) months of the filing of this charge, the Employer suspended employee (b) (6), (b) (7)(C) for engaging in concerted activity for mutual aid or protection. Specifically, the Employer disciplined (b) (6), (b) (7)(C) for relaying information about (b) (6), (b) (7)(C) working conditions to another employee, both of whom were off duty. The Employer also imposed a work rule that off-duty Employees cannot be on the Employer's property; the Employer implemented this rule in response to Employees participating in a strike on May 15, 2014, (See Attached)		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
Western Workers Organizing Committee		
4a. Address (Street and number, city, state, and ZIP code) 2501 International Boulevard, Suite D, Oakland CA, 94601		4b. Tel. No. (510) 207-3178
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail ryan.dowling@selu.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) n/a		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (213) 380-2344
BY <u>Robert S. D. Graham</u> (signature of representative or person making charge)		Office, if any, Cell No.
Sean D. Graham, Attorney (Print type name and title or office, if any)		Fax No.
Address: Weinberg, Roger & Rosenfeld, 800 Wilshire Boulevard, Ste. 1320, Los Angeles, CA 90017		e-Mail sgraham@unioncounsel.net
May 16, 2014 (date)		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

ATTACHMENT TO CHARGE

and the rule is intended to interfere with Employees' Section 7 rights. The Employer also battered an off-duty Employee for relaying information about working conditions to the Western Workers Organizing Committee. The Employer also intimidated and threatened Employees and organizers from the Western Workers Organizing Committee for the purpose of interfering with Employees' Section 7 rights.

RECEIVED
NLRB, REGION 20
2014 MAY 16 PM 4:43
SAN FRANCISCO, CA

FORM EXEMPT UNDER 44 U.S.C. 3512

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FORM NLRB-501
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CHARGE AGAINST EMPLOYER

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INSTRUCTIONS:

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1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer McDonald's (Pocket McDonald)	b. Tel. No. (916)399-1011
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 8940 Pocket Rd, Sacramento CA 95831	e. Employer Representative
	g. e-Mail
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) fast food restaurant	j. Identify principal product or service fast food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within six (6) months of the filing of this charge, the Employer suspended employee (b) (6), (b) (7) for engaging in concerted activity for mutual aid or protection. Specifically, the Employer disciplined (b) (6) for relaying information about (b) working conditions to another employee, both of whom were off duty. The Employer also imposed a work rule that off-duty Employees cannot be on the Employer's property; the Employer implemented this rule in response to Employees participating in a strike on May 15, 2014. (See Attached)	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Western Workers Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) 2501 International Boulevard, Suite D, Oakland CA, 94601	4b. Tel. No. (510) 207-3178
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail ryan.dowling@selu.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) n/a	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>Robert S. Graham</u> Sean D. Graham, Attorney (signature of representative or person making charge) (Print/Type name and title or office, if any) for Sean D. Graham Address: Weinberg, Roger & Rosenfeld, 800 Wilshire Boulevard, Ste. 1320, Los Angeles, CA 90017 May 16, 2014 (date)	
Tel. No. (213) 380-2344 Office, if any, Cell No. Fax No. e-Mail sgraham@unioncounsel.net	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

ORIGINAL

I ATTACHMENT TO CHARGE

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ORIGINAL

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. BOKOL
ELYTHE MCKRILSON
BARRY E. HINKLE
CHRISTIAN L. BAISNER
JAMES J. WETTER
THEODORE FRANKLIN
ANTONIO RUZ
MATTHEW J. CALGER
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LINDA SALDANA-JONES
PATRICIA A. DAVIS
ALAN D. CROWLEY
KRISTINA L. HILLMAN
EMILY D. RICH
BRUCE A. HARLAND
CONDEPCIONE LOYANCO-BATISTA
CAREN P. RENCER
ANNE I. YEN
KRISTINA M. ZINKIN
JANNAH V. MANANALAN
MANUEL A. BOGUES
KERRIANNE R. STEELE
CARY P. PROVENCHER
SZEKELD C. GARDER
MONICA T. QUIZAR
SHARON A. SEIDENSTEIN
LUCY R. DUNCAN

WEINBERG, ROGER & ROSENFELD
A Professional Corporation
800 Wilshire Blvd, Suite 1320
Los Angeles, CA 90017
TELEPHONE (213) 380-2344
FAX (213) 443-5098

JACOB J. WHITE
SEAN D. GRAHAM
JOLENE KRAMER
STEPHANIE L. MARR
ANTHONY J. TUCCI
ROBERT G. SZYMANSKY
MICHAEL D. BURSTEIN

VINCENT A. HARRINGTON, Of Counsel
PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel
NINA FENDOL, Of Counsel
ANA M. GALLAGHER, Of Counsel

* Admitted in Hawaii
** Also admitted in Nevada
*** Also admitted in Illinois
**** Also admitted in New York

May 16, 2014

VIA EMAIL AND U.S. MAIL

National Labor Relations Board, Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

**Re: Western Workers Organizing Committee
McDonald's (Pocket McDonald)**

Dear Regional Director:

Enclosed please find an unfair practice charge which we are filing this date against the employer McDonald's (Pocket McDonald).

Your agent should contact directly Ryan Dowling of the Union to obtain evidence and schedule interviews with witnesses. Mr. Dowling's direct line number is: (510) 207-3178.

Please keep me informed of all phases of the investigation, give me copies of all evidence submitted by the charging party, furnish me with any statements they provide, include me in any settlement discussions, and keep me informed of any agenda decisions. On any calendar matters, please contact the Calendar Department of our office.

Sincerely,

- Robert G. Graham for
Sean D. Graham
Graham.

SDG: (b) (6), (b) (7)(C)
opeiu 3 afl-cio(1)

Enclosure

(b) (6), (b) (7)(C)

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SAN FRANCISCO, CA

WEINBERG, ROGER & ROSENFELD

A Professional Corporation
800 Wilshire Blvd, Suite 1320
Los Angeles, CA 90017

Telephone: (213) 380-2344

Fax: (213) 443-5098

DATE: MAY 16, 2014

MP

FROM: SEAN D. GRAHAM

RE: NLRB CHARGE AGAINST McDONALD'S

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT:	FAX #	PHONE #
<i>REGIONAL DIRECTOR</i> National Labor Relations Board, Region 20	(415) 356-5156	(415) 356-5130

Total number of pages including this page: 3.

If you do not receive all the pages, please call and ask for (b) (6), (b) (7)(C)

RECEIVED
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2014 MAY 16 PM 4:43
SAN FRANCISCO, CA

PLEASE NOTE: The information contained in this facsimile message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you have received this communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

CA CHARGE ASSIGNMENT SHEET

Support Staff Vicky

DATE FILED: May 16, 2014

Assigned to: Wages Smith (Agent) (Agent) (Agent)

Case Name McDonald's (Pocket McDonald)

Case No. 20-CA-129034

IA Category III (II) I Target Date: 7/18/14

10(j) potential: Yes ☐ No ☒ Unknown ☐

Discharge Organizing Campaign ☐

Allegations: 8(a)(1)(3) If this is an 8(a)(3) CA, enter number of Discriminatees ONE

Method of Contact Electronic ☐ Phone ☐ Visit ☐ Written ☒

I/O Assisted? Yes ☐ No ☒ I/O Inquiry Number: 1-1066084723

Bargaining Status (Check one) Existing Contract ☒ Organizing Campaign ☐ None ☐
 Seeking Initial Contract ☐ Seeking Succeeding Contract ☐

Dispute Location Sacramento State: CA 95831 Sacramento

Does this case block any other? Yes ☐ No ☒

Is there a "request to proceed" in the petition(s). ☐ Enter Petition case number(s)

CHECK ALL APPROPRIATE ALLEGATION CODES BELOW

Is the Section 8(a)(1) allegation a derivative and may be deleted? Yes ☐ No ☒

8(a)(1)	8(a)(3) continued	8(a)(5) continued
Coercive Actions (Surveillance, etc.)	Lockout	Refusal to Recognize
<input checked="" type="checkbox"/> Coercive Rules	Refusal to Consider/Hire Applicant (salting only)	Repudiation/Modification of Contract [Sec. 8(d)/Unilateral Changes]
Coercive Statements (Threats, Promises of Benefits, etc.)	Refusal to Reinstate Employee/Striker (e.g., Laidlaw)	Shutdown or Relocate (e.g., First National Maint.). Subcontract Work
Concerted Activities (Retaliation, Discharge, Discipline)	Retaliatory lawsuit	8(e)
Denial of Access	Shutdown or Relocate/ Subcontract Unit Work	All Allegations against an Employer
Discharge of supervisor (Parker-Robb Chevrolet)	Union Security Related Actions	(b) (5)
Interrogation (including Polling)	8(a)(4)	
Lawsuits	Changes in Terms & Conditions of Emplt	
Weingarten	Discharge (incl Layoff & Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
8(a)(2)	Shutdown or Relocate/Subcontract Unit Work	
Assistance	8(a)(5)	
Domination	Alter Ego	
Unlawful Recognition	Failure to Sign Agreement	
8(a)(3)	Refusal to Bargain/Bad Faith Bargaining (incl surface bargaining/direct dealing)	
Changes in Terms & Conditions of Emplt	Refusal to Furnish Information	
Discharge (including Layoff & Refusal to Hire (not salting))	Refusal to Hire Majority	
<input checked="" type="checkbox"/> Discipline		

Is this a Related case? Yes ☐ No ☒ Check here if above case is the main number ☐

If yes, what is main case number?

CA CHARGE ASSIGNMENT SHEET

D o c k e t C h e c k l i s t	
Category marked on case file	/
Target date marked on case file	/
Completed file in Agent's mailbox	/
Charge scanned into NxGen	/
Original Charge in case file	/
Copy of Charge for reception	/
Copy of Charge for FOIA	/
Copy of Pink Sheet to Nelly	/
Before mailing letters, get OK from Liz or Nelly	

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S (POCKET MCDONALD)

Charged Party

and

**WESTERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 20-CA-129034

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 20, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's (Pocket McDonald)
8940 Pocket Road
Sacramento, CA 95831

May 20, 2014

Date

Vicky Luu, Designated Agent of NLRB

Name


Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



Download
NLRB
Mobile App

May 20, 2014

McDonald's (Pocket McDonald)
8940 Pocket Road
Sacramento, CA 95831

Re: McDonald's (Pocket McDonald)
Case 20-CA-129034

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner SCOTT M. SMITH whose telephone number is (415)356-5170. If this Board agent is not available, you may contact Acting Supervisory Field Examiner Olivia Vargas whose telephone number is (415)356-5180.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Frankl", written in a cursive style.

JOSEPH F. FRANKL
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's (Pocket McDonald)

CASE NUMBER

20-CA-129034

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC****A. STATE OF INCORPORATION OR FORMATION****B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES****4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$**YES NO**B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (*Check the largest amount*)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (*If yes, name and address of association or group.*)**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRENAME AND TITLE (*Type or Print*)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S (POCKET MCDONALD)

Charged Party

and

**WESTERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 20-CA-129034

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

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McDonald's (Pocket McDonald)
8940 Pocket Road
Sacramento, CA 95831

May 20, 2014

Date

Vicky Luu, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

May 20, 2014

RYAN DOWLING
WESTERN WORKERS ORGANIZING COMMITTEE
2501 INTERNATIONAL BOULEVARD, SUITE D
OAKLAND, CA 94601

Re: McDonald's (Pocket McDonald)
Case 20-CA-129034

Dear Mr. Dowling:

The charge that you filed in this case on May 16, 2014 has been docketed as case number 20-CA-129034. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner SCOTT M. SMITH whose telephone number is (415)356-5170. If the Board agent is not available, you may contact Acting Supervisory Field Examiner Olivia Vargas whose telephone number is (415)356-5180.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Frankl", written in a cursive style.

JOSEPH F. FRANKL
Regional Director

cc: SEAN D. GRAHAM, ESQ.
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD, SUITE 1320
LOS ANGELES, CA 90017



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

Agent's Direct Dial: (415)356-5170

May 29, 2014

Sean D. Graham, Esq.
Weinberg, Roger and Rosenfeld
800 Wilshire Blvd.
Suite 1320
Los Angeles, CA 90017

Re: McDonald's (Pocket McDonald)
Case 20-CA-129034

Dear Mr. Graham:

I am the agent assigned to investigate the above-mentioned case.

As you know, it is the charging party's responsibility to promptly present affidavits and any other evidence to support the filed charge.

To date, I have made repeated attempts to reach you by phone but I have not been able to contact you. All evidence in support of the charge in this case must be submitted to me by the close of business, Friday, June 6, 2014. Absent receipt of the evidence by that date, the charge may be subject to dismissal due to lack of cooperation with the investigation.

Very truly yours,

SCOTT M. SMITH
Board Agent

SMS:djd

Smith, Scott M.

From: Sean D. Graham [sgraham@unioncounsel.net]
Sent: Thursday, May 29, 2014 6:57 PM
To: Smith, Scott M.
Subject: RE: Western Workers Organizing Committee charge; (b) (6), (b) (7)(C)

Thanks Scott. If you could keep those days open, that would be great. By Monday, I will know if we are withdrawing or whether the witness will give an affidavit on the 3rd or 4th.

Thanks,

Sean

From: Smith, Scott M. [mailto:Scott.Smith@nrlb.gov]
Sent: Thursday, May 29, 2014 3:34 PM
To: Sean D. Graham
Subject: RE: Western Workers Organizing Committee charge; (b) (6), (b) (7)(C)

Sean, Tuesday and Wednesday next week (June 3 and 4) are particularly good days for me.

From: Sean D. Graham [mailto:sgraham@unioncounsel.net]
Sent: Thursday, May 29, 2014 11:02 AM
To: Smith, Scott M.
Subject: Western Workers Organizing Committee charge; (b) (6), (b) (7)(C)

Hi Scott, can you provide several dates you are available to take (b) (6), (b) (7)(C) affidavit in this matter?

Thanks,

Sean

Sean D. Graham
Attorney at Law
Weinberg Roger & Rosenfeld
800 Wilshire Boulevard
Suite 1320
Los Angeles, CA 90017-2607
P: (213) 380-2344
F: (213) 443-5098

**Please note new contact information*

Smith, Scott M.

From: Sean D. Graham [sgraham@unioncounsel.net]
Sent: Wednesday, May 28, 2014 12:55 PM
To: Smith, Scott M.
Subject: (b) (6), (b) (7)(C)

Hi Scott,

Thanks for the call yesterday. Please direct all communications in this matter to me now, as Mr. Dowling is unavailable.

When you have a moment, please give me a call to discuss this charge.

Thanks,

Sean

213.736.3322

Sean D. Graham
Attorney at Law
Weinberg Roger & Rosenfeld
800 Wilshire Boulevard
Suite 1320
Los Angeles, CA 90017-2607
P: (213) 380-2344
F: (213) 443-5098

**Please note new contact information*

6-13-14

Called Graham. Left message regarding into
lockup.

6-18-14

"

6-23-14

"

6-27-14

"

6-30-14

"

7-1-14

Called the En.

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)


6-2-14

Called Graham, Left message.

6-4-14

6-6-14

(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)

CASE HANDLING CHRONOLOGY

CASE NO: 20-CA-129034

BOARD AGENT: SCOTT SMITH

1. All affidavits, other evidence, and detailed file memos are in this file. If not, there is a cross reference to another file or an explanation for the lack of affidavits in this file. (X)
2. Included is an Agenda Minute or memo explaining the reasons for the Regional Disposition. (X)
3. Information Officer's file memo with Public Information Disposition Report, if applicable, are included and completed. ()

Supervisor's Initials: _____

DATE: _____

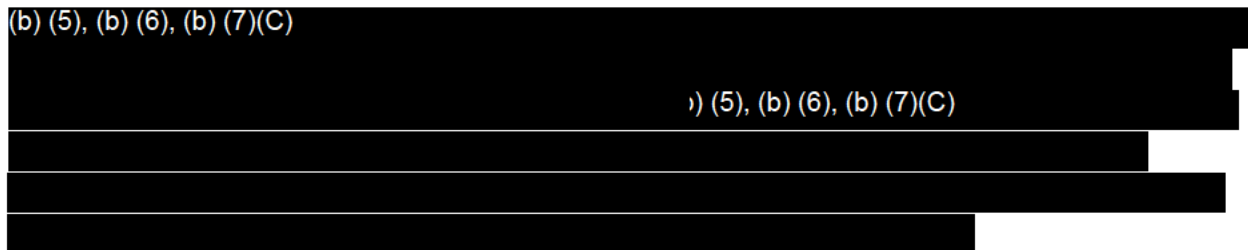
Case settled prior to taking affidavit

Memo to file

SFX Owens for FX Scott Smith

July 7, 2014

(b) (5), (b) (6), (b) (7)(C)



1) (5), (b) (6), (b) (7)(C)

ORAL WITHDRAWAL REQUEST FORM

RE: McDonald's

Case(s) 20-CA-129034

On 6-6-14 in a telephone conversation,
(Date)

Sean Graham informed the undersigned
(Name)

Board Agent that the Charging Party desired to withdraw:

☒ the above referenced charge(s)

☐ the above referenced petition(s)

☐ the following allegations only

☐ Other

and authorized withdrawal on an oral basis.

Scott M. Smith

(Signature of Board Agent)

Withdrawal request approved:

7/7/14

(Date)

[Signature]

Regional Director, Region 20
National Labor Relations Board



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market St Ste 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156

July 8, 2014

MCDONALD'S (POCKET MCDONALD)
8940 POCKET RD
SACRAMENTO, CA 95831

Re: McDonald's (Pocket McDonald)
Case 20-CA-129034

Dear SIR OR MADAM:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/

JOSEPH F. FRANKL
Regional Director

cc: RYAN DOWLING
WESTERN WORKERS ORGANIZING COMMITTEE
2501 INTERNATIONAL BLVD STE D
OAKLAND, CA 94601

SEAN D. GRAHAM, ESQ.
WEINBERG ROGER & ROSENFELD
800 WILSHIRE BLVD STE 1320
LOS ANGELES, CA 90017